

REMARKS

Claims 1, 2, 5-7, 9-11 and 13-16 are pending and under consideration in the above-identified application.

In the Office Action, Claims 1, 2, 5-7, 9-11 and 13-16 were rejected.

Since no Amendment has been entered, Claims 1, 2, 5-7, 9-11 and 13-16 remain at issue.

I. Interview Summary

Applicant thanks the Examiner for the courtesy extended to Applicants' agent, Kader Gacem, in expediting the schedule for an interview and for the interview held on October 28, 2008.

During the interview, Applicant's agent and the Examiner discussed the rejections under 35 U.S.C § 103(a). The Examiner and Applicant's agent discussed independent Claim 1.

With respect to claim 1, Applicant's agent remarked that in the claimed subject matter a flag, indicating that the transmission of the first set of information units is cancelled after the clocked time has exceeded a reference time value, is set or written into each of the second set of information units which are transmitted.

In contrast, the Ghosh reference discloses that if only some BTSs communicate that the frame contains errors, the MS will transmit the next frame to all BTSs that successfully decoded the frame with the flush bit set to instruct these BTSs to erase the previous frame from memory and not to combine the previous frame with the current frame, and to the BTSs that did not successfully decode the frame with the flush bit set to instruct these BTSs to combine the previous frame with the retransmitted frame. As such, Ghosh does not disclose canceling the transmission of the previous frame and setting the flag in the next frame indicating the cancellation of the previous frame.

In response, the Examiner indicated that he understood this distinction between the claimed subject matter and the Ghosh reference and looked forward to Applicant's filed response.

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 2, 6, 7, and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable

over *Jalali* in view of *Tseung* (U.S. Patent No. 5,109,384) and *Gosh* (U.S. Patent No. 6,678,523). Applicant respectfully traverses this rejection.

Claim 1 is directed to an information processing apparatus configured for transmitting information to a transmission party via a network in predetermined information units.

As stated in the previous response filed on September 2, 2008, *Tseung* discloses writing or setting the flag in the unacknowledged message to be resend but not in the second set of information units which makes up the next message yet to be sent. Moreover, in *Tseung* the set flag is not indicative that the transmission of the first set of information units is cancelled, as required by Claim 1.

The Examiner further acknowledged that *Jalali* does not explicitly disclose “a flag indicating that the time clocked by said clocking unit exceeds said reference time value when determined by said determination unit and that the transmission of said first set of information units is cancelled and is not retransmitted, and writing said flag into each of said second set of information units which are transmitted by said second transmission unit when said flag is set by said setting unit” but asserted that *Gosh* allegedly does and points to the Abstract, for support. However, as stated above in the interview summary, *Gosh* fails to fairly teach or suggest canceling the transmission of the previous frame and setting the flag in the next frame indicating the cancellation of the previous frame after the clocked time has exceeded the reference time value.

Thus, the three cited references may not properly be combined to reject Claim 1. Therefore, Claim 1 is patentable over these three references, taken singly or in combination with each other, as are dependent Claims 2, 5, 13, and 16, for at least the same reasons.

Independent Claims 6, 7, and 9 – 11, which each recites the same distinguishable limitation as that of Claim 1, are also patentable over these three references, taken singly or in combination with each other, as are corresponding dependent claims, for at least the same reasons.

Accordingly, Applicant respectfully request that this claim rejection be withdrawn.

III. 35 U.S.C. § 103 Obviousness Rejection of Claim 5

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Jalali* in view of *Tseung* and *Gosh* as applied to Claim 2 above and further in view of *Kamihara* (U.S. Patent No. 6,854,020). Applicant respectfully traverses this rejection.

Claim 5 is dependent on Claim 1 shown above to be patentable over *Jalali*, *Tseung* and *Gosh*. Moreover, in addition to *Jalali*, *Tseung* and *Gosh*, *Kamihara* also fails to teach or suggest a flag indicating that the time clocked by the clocking unit exceeds the reference time value when determined by the determination unit and that the transmission of the first set of information units is cancelled and is not retransmitted, and writing the flag into each of the second set of information units which are transmitted by the second transmission unit when the flag is set by the setting unit.

As such, Claim 1 is patentable over *Jalali*, *Tseung*, *Gosh* and *Kamihara*, taken singly or in combination with each other, as is dependent Claim 5 for at least the same reasons.

Accordingly, Applicants respectfully request that these 35 U.S.C. § 103 claim rejections be withdrawn.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claims 9 – 11

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hamilton* in view of *Gosh* and *Tseung*.

Claims 9 - 11 recite the same distinguishable limitation as that of Claim 1.

In addition to *Gosh* and *Tseung*, *Hamilton* also fails to teach or suggest that a flag indicating that the time clocked by the clocking unit exceeds the reference time value when determined by the determination unit and that the transmission of the first set of information units is cancelled and is not retransmitted, and writing the flag into each of the second set of information units which are transmitted by the second transmission unit when the flag is set by the setting unit.

As such, Claims 9 – 11 are patentable over *Gosh*, *Tseung*, and *Hamilton*, taken singly or in combination with each other.

Accordingly, Applicant respectfully request that this claim rejection be withdrawn.

V. Conclusion

In view of the above amendments and remarks, Applicant submits that Claims 1, 2, 5-7, 9-11 and 13-16 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

If the Examiner finds that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

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